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July 19, 1999

BY FEDERAL EXPRESS

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
Room 1061  
5630 Fishers Lane  
Rockville, MD 20852

Re: Docket No. 98N-1038; ANPR  
on Irradiated Food Labeling

Ladies/Gentlemen:

On behalf of our client the National Nutritional Foods Association ("NNFA"), we submit the following comments on the above-referenced Advance Notice of Proposed Rulemaking (64 Fed. Reg. 7834, Feb. 17, 1999).

NNFA, headquartered in Newport Beach, California, is the largest U.S. trade association of suppliers and retailers of dietary supplements and natural food products.

Irradiation of foods, in some circumstances, can significantly reduce the nutritive value of a food, and this could be a material fact required to be disclosed in labeling under pain of rendering the food misbranded. 21 U.S.C. §§321(n), 343(a).

In any event, given the fact that FDA permits irradiation of foods under certain conditions, NNFA supports full disclosure to consumers in prominent labeling that a particular food product has undergone treatment with irradiation.

NNFA therefore opposes any attempt to water down the requirements in existing FDA regulation 21 CFR §179.26(c) that the label and labeling of retail packages or displays of foods that have been treated with ionizing radiation prominently display the radura logo and the disclosure statement: "Treated with (or by) radiation." Alternative language might be appropriate, but any amendments to the existing required label symbol and statements should not

98N 1038

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Dockets Management Branch.  
July 19, 1999  
Page 2

reduce the effect of fully conveying to consumers the fact that the food product involved has been irradiated.

As far as causing "inappropriate anxiety" among consumers, NNFA is not aware of any properly conducted consumer surveys demonstrating that the existing required language has this result. In the absence of such data, no change to the disclosure requirement is warranted.

Respectfully submitted,

NATIONAL NUTRITIONAL FOODS ASSOCIATION  
Patrick Toomey, President  
Michael Q. Ford, Executive Director

SIDLEY & AUSTIN  
General Counsel

By   
Charles J. Raubichek

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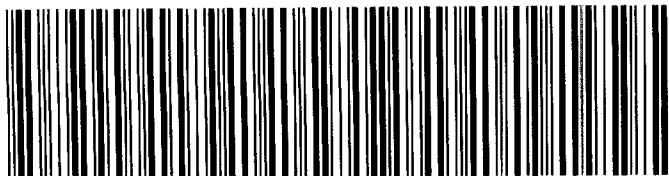
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